

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
E.I. DU PONT DE NEMOURS  
AND COMPANY, :

Plaintiff, :

v. :

PUREFLEX, INC. :

Defendant. :

CIVIL ACTION NO.:  
07-CV-10388 (JSR)

----- X  
**JOINT RULE 26(F) DISCOVERY PLAN REPORT**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and this Court's Notice of Court Conference dated November 26, 2007, the parties have conferred regarding the planning of discovery and case management for this action. A report detailing the parties' agreed upon discovery plan in the format of the Court's Form D for a Case Management Plan is attached hereto as Exhibit A.

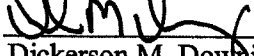
The parties have conferred by telephone regarding planning of discovery, which resulted in the attached Civil Case Management Plan. The parties have agreed upon all dates as set forth in the Case Management Plan and at the present time there are no disagreements between the parties regarding the planning of discovery.

Based on the foregoing, the parties respectfully request entry of a case management order consistent with that attached hereto as Exhibit A.

Signed this 8<sup>th</sup> day of January, 2008.

Respectfully submitted,

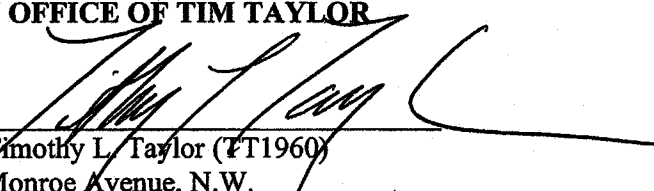
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*E.I. du Pont de Nemours and Company*

Respectfully submitted,

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# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:
E.I. DU PONT DE NEMOURS	:
AND COMPANY,	:
	:
Plaintiff,	:
	:
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	:
PUREFLEX, INC.	:
	:
Defendant.	:
-----X	

[PROPOSED] CIVIL CASE  
MANAGEMENT PLAN  
(JUDGE RAKOFF)

07-CV-10388 (JSR)

**This Court requires that this case shall be ready for trial on  
JUNE 16, 2008.**

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

- A. The case is to be tried to a jury.
- B. Joinder of additional parties must be accomplished by March 17, 2008.
- C. Amended pleadings may be filed without leave of Court until March 17, 2008.
- D. Discovery:
  - 1. Initial Disclosures. Initial Disclosures pursuant to Fed. R. Civ. P. 26(a) must be served by February 5, 2008.
  - 2. Documents. First request for production of documents, if any, must be served by February 15, 2008. Further document requests may be served as required, but no document request may be served later than 30 days prior to the date of the close of discovery as set forth in item 6 below.
  - 3. Interrogatories. Interrogatories pursuant to Rule 33.3(a) of the Local Civil Rules of the Southern District of New York must be served by February 15, 2008. No other interrogatories are permitted except upon prior express permission of Judge Rakoff. No Rule 33.3(a) interrogatories need be served with respect to disclosures automatically required by Fed. R. Civ. P. 26(a).

4. Experts. Every party-proponent of a claim (including any counterclaim, cross-claim, or third-party claim) that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by March 14, 2008. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim must make the disclosures required by Fed. R. Civ. P. 26 (a)(2) by April 14, 2008. No expert testimony (whether designated as "rebuttal" or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except upon prior express permission of the Court, application for which must be made no later than 10 days after the date specified in the immediately preceding sentence. All experts may be deposed, but such depositions must occur within the time limit for all depositions set forth below.

5. Depositions. All depositions (including any expert depositions, see item 3 above) must be completed by May 1, 2008. Unless counsel agree otherwise or the Court so orders, depositions shall not commence until all parties have completed the initial disclosure required by Fed. R. Civ. P. 26(a)(1) or until four weeks from the date of this Order, whichever is earlier. Depositions shall proceed concurrently, with no party having priority, and no deposition shall extend beyond one business day without prior leave of the Court.

6. Requests to Admit. Requests to Admit, if any must be served by April 1, 2008.

7. All discovery is to be completed by May 1, 2008. Interim deadlines for items 1-5 above may be extended by the parties on consent without application to the Court, provided the parties are certain they can still meet the discovery completion date set forth in this paragraph, which shall not be adjourned except upon a showing to the Court of extraordinary circumstances.

E. Post-discovery summary judgment motions in the form prescribed by the Court's Individual Rules of Practice may be brought on without further consultation with the Court provided that a Notice of any such motion, in the form specified in the Court's Individual Rules of Practice, is filed no later than one week following the close-of-discovery date (item D-6 above) and provided that the moving papers are served by May 8, 2008, answering papers by May 23, 2008, and reply papers by May 30, 2008 [the last of these days being no later than six weeks following the close of discovery]. Each party must file its respective papers with the Clerk of the Court on the same date that such papers are served. Additionally, on the same date that reply papers are served and filed, counsel for the parties must arrange to deliver a courtesy non-electronic hard copy of the complete set of papers to the Courthouse for delivery to Chambers.

F. A final pre-trial conference, as well as oral argument on any post-discovery summary judgment motions, shall be held on \_\_\_\_\_ [date to be inserted by the Court], at which time the Court shall set a firm trial date. The timing and other requirements for the Joint Pretrial Order and/or other pre-trial submissions shall be governed by the Court's Individual Rules of Practice.

G. All motions and applications shall be governed by Judge Rakoff's Individual Rules of Practice. Counsel shall promptly familiarize themselves with all of the Court's Individual Rules, as well as with the Local Rules for the United States District Court for the Southern District of New York.

SO ORDERED.

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JED S. RAKOFF  
UNITED STATES DISTRICT JUDGE

Dated: New York, New York

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